

## CLASSIFICATION OFFICE DECISION

**Title of publication:** 046\_46.JPG

**Other known title(s):** Not stated

**OFLC ref:** 2000211.031

**Medium:** Image File

**Distributor:** Not stated

**Country of origin:** Not stated

**Language:** Not applicable

**Applicant:** Commissioner of Police

**Classification:** Unrestricted.

**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 04 September 2020

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** 03 September 2020

### Summary of reasons for decision:

The image file depicts a partially nude teenaged girl. However, it is not reasonably capable of being regarded as sexual in nature. The nudity is shown in a context where it is likely to be perceived as unremarkable. A viewer's predisposition to regard any image of nudity as having a sexual meaning may result in a sexual interpretation. However, given the absence of sexual content it would be unreasonable to conclude that the image is sexual in nature. A Bill of Rights framework requires that limitations on the availability of publications must be reasonable and demonstrably justifiable. The image file does not deal with matters of sex, or any other matters, under s3(1) of the Films, Videos and Publications Classification Act 1993, nor does it raise any issues under s3A or s3B. It must therefore be classified as unrestricted. This classification is consistent with the right of freedom of expression as set out in the New Zealand Bill of Rights Act 1990.